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Updated Administrative Measures for Biotech Product Inspections

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Report Highlights:

On April 9, 2019, the General Administration of China Customs (GACC) published revised "Administrative Measures for the Inspection and Quarantine of Entry-Exit Genetically Modified Products." The revisions reflect the government restructuring that took place in 2018, upon which GACC assumed many of the roles previously held by the former General Administration of Quality Inspection and Quarantine (AQSIQ). The revised Measures were effective as of their April 9 publication date. The [original Measures](#) were issued by the former AQSIQ as AQSIQ Decree 62 in 2004. This report contains an unofficial translation of the revised Administrative Measures.

General Information:

Administrative Measures of Inspection and Quarantine on Entry-Exit Genetically Modified Products

AQSIQ Decree 62

These Measures were announced as AQSIQ Decree 62 on May 24, 2004; it was revised for the first time by the AQSIQ Decree 196 - “Decisions about Abolishing and Revising Some Regulations of AQSIQ” on March 6, 2018; it was revised for the second time by the GACC Decree 238 - “Decisions about Revising Some Regulations of GACC” on April 28, 2018; it was revised for the third time by the GACC Decree 243 - “Decisions about Revising Some Regulations of GACC” for the third time on November 23, 2018.

Administrative Measures of Inspection and Quarantine on Entry-Exit Genetically Modified Products

Chapter I General Provisions

Article 1 These Measures were formulated in accordance with provisions in the Law on Import and Export Commodity Inspection, Food Safety Law, the Law on the Quarantine of the Entry-Exit Animals and Plants and their implementing regulations, and the Administrative Rules for Safety of Agriculture GMOs. Purposes of the Measures are to strengthen inspection and quarantine on entry-exit genetically modified products, to safeguard human health and the animal/plant/microorganism safety, and to protect the ecological environment.

Article 2 These Measures apply to the inspection and quarantine on the entry-exit genetically modified products through various ways (including trade, processing on order, mailing, carrying, production, reproduction for others, scientific researches, exchange, exhibition, aid, giving as gifts, and other means).

Article 3 The “genetically modified products” mentioned in these Measures refer to the agricultural genetically modified organisms described in the Administrative Rules for Safety of Agriculture GMOs, and the genetically modified organisms and products provided in other laws and regulations.

Article 4 The General Administration of Customs of China (GACC) is responsible for the nationwide inspection and quarantine of the entry-exit genetically modified products. The local customs authorities are responsible for inspection, quarantine and oversight of the entry-exit genetically modified products in their regions.

Article 5 GACC adopts the licensing system for genetically modified agricultural products that transit through the territory of China. Per other genetically modified products that transit through the territory of China, if China has specific regulations, such regulations should be

Chapter II Entry Inspection and Quarantine

Article 6 GACC imposes declaration requirements on the genetically modified animals/plants and their products, microorganisms and their products and foods that enter China.

Article 7 Where a consignor or his/her agent submits the entry inspection declaration application, the agent shall indicate in the “Product Name” column of the “Form for Inspection of Entry Commodities” whether the commodity is genetically modified. If the commodity is declared as genetically modified, the agent should obtain the Agriculture BioSafety Certificate (for Imports) or relevant documents of approval in addition to the other certificates required. Customs will conduct automatic comparison and verification of the electronic data of the Agriculture BioSafety Certificate in its system.

Article 8 The genetically modified products entering China that are listed in the “Catalogue of Agriculture GMOs that are Subject to Labelling Requirements¹ (the catalogue is developed and announced by the agriculture authority under the State Council²), if declared as GMO, the customs should conduct compliance tests under the GMO testing items; customs could conduct random tests on other animals/plants and their products, micro-organisms and their product and food products that are not listed in the catalogue for GMO substances if needed.

Customs conducts the testing for GMO substances using methods and standards approved by relevant national authorities.

Article 9 Products passing the GMO substance testing are permitted to enter China. Under any of the following circumstances, customs will inform the consignor or his/her agent about rejection or destroy of the products:

1. The products are declared as GMO products, but testing shows that the GM substances do not match the (events listed in the) BioSafety Certificates (to Traders);

¹ China’s biotech labeling regulations, governed by the Administrative Measures on Labelling of Agriculture GMOs, require mandatory labeling of products that are produced from GE materials or contain the following GE substances:

1. Soybean seeds, soybeans, soybean flour, soybean oil, and soybean meal;
2. Corn seeds, corn, corn oil, and corn flour; (including corn flour under HS codes 11022000, 11031300, and 11042300);
3. Rapeseed for planting, rapeseeds, rapeseed oil, and rape seed meal;
4. Cottonseed; and
5. Tomato seed, fresh tomato, and tomato paste.

² Currently the authority is the Ministry of Agriculture and Rural Affairs, MARA

2. The product is declared as non-GMO products, but testing shows that the product contains GM substances.

Article 10 GM products for exhibition could enter China with permissions issued by legal competent authority; such products are subject to the supervision by the customs during the exhibition. After the exhibition, all GM products must be returned or destroyed. Where there are special reasons that alter the product's purpose of use, the formalities for entry inspection and quarantine must be completed pursuant to relevant provisions.

Chapter III Inspection and Quarantine for Passing through the Territory

Article 11 GM products that transit through China, when enter China, its consignor or consignor's agent should file an application for transit permission with the customs at the entry port; passing the customs' review, the products are allowed to transit under supervision of the customs of the entry port. Transit GM products that change package and/or change the transit route must complete the transit formalities according to relevant provisions.

Chapter IV Exit Inspection and Quarantine

Article 12 Where it is necessity to conduct GE substance testing or issue non-GMO certificate for products that exit China, the consignor or the consignor's agent should file an application to the local customs, along with the importing country/region's official requirements for entry GMO products.

Article 13 Accepting the application, customs will, in accordance with the information released by the competent authority concerning commercialized GMO technologies, and take samples to the GMO testing laboratories for testing following relevant provisions. If the testing report confirms that the GMO products comply with the entry requirements by the importing country/region, customs will issue the quarantine and inspection certificates; if the products are confirmed non-GMO products, customs will issue the non-GMO certificate for the product.

Chapter V Supplementary Provisions

Article 14 In addition to the GMO substance testing and oversight on entry and exit GMO products provided in these Measures, other inspection and quarantine measures will be taken in accordance with relevant rules/regulations and GACC provisions.

Article 15 Laboratories undertaking the GMO testing must pass the capability verification by the national certification and accreditation supervision and administration authority.

Article 16 Any one violating these Measures are subject to punitive measures provided by relevant laws and regulations.

Article 17 GACC is responsible for interpreting/explaining of these Measures.

Article 18 These Measures will be implemented from the date of its announcement.

END OF TRANSLATION